



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

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IV-D MEMORANDUM 2016-018

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: June 29, 2016

SUBJECT: Revisions to the Acknowledgment of Parentage Act and
the *Affidavit of Parentage* (DCH-0682)

UPDATE(S):

☐ Manual

☒ Form(s)

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces revisions to the Acknowledgment of Parentage Act¹ and the *Affidavit of Parentage* (DCH-0682). The revised *Affidavit of Parentage* (AOP) is currently available in hospitals and on the [Michigan Department of Health and Human Services \(MDHHS\) website](#). Template 6040, which is the MiCSES² version of the DCH-0682 and is located on the *Document Generation* (DOGN)³ screen, will be updated at a later date. IV-D workers will receive an email notification when this form is available. *Michigan IV-D Child Support Manual* Section 4.05, "Paternity Establishment," will be updated with AOP information at a later date.

DISCUSSION:

Federal regulations require that each state have a program for voluntary paternity establishment services.⁴ Federal regulations also specify the minimum requirements for a valid acknowledgment form.⁵ Michigan's program for voluntary paternity establishment

¹ Michigan Compiled Laws (MCLs) 722.1001–1013

² MiCSES is the Michigan Child Support Enforcement System.

³ Ref: [MiCSES Screen Description: DOGN – Document Generation](#).

⁴ 45 Code of Federal Regulations (CFR) 303.5(g)(1)

⁵ 45 CFR 303.5(g)(4)

services was codified in the Acknowledgment of Parentage Act.⁶ The acknowledgment form used for voluntary paternity establishment in Michigan is the AOP.

A. Legislative Changes to Michigan's Acknowledgment of Parentage Act

The Michigan Legislature amended the Acknowledgment of Parentage Act, with an effective date of March 30, 2015, to allow a qualified witness to verify the signatures of the mother and father on the AOP. In the past, the signatures had to be verified by a notary for the AOP to be valid. The federal statute specifically allows the AOP to be authenticated by a "notary or witness(es)."⁷ Many other states have changed their policies to allow a witness to authenticate their state's AOP, recognizing that a notary can be challenging to locate and obtain, and sometimes may include a fee.

1. Acknowledgment of Parentage Act Requirements for Qualified Witnesses

The qualified witness must be an adult⁸ who is disinterested,⁹ legally competent, and an employee of one of the following:¹⁰

- A hospital;
- Publicly funded or licensed health clinic;
- Pediatric office;
- FOC office;
- PA office;
- Court;
- Department of Community Health;¹¹
- County health agency;
- County records department;
- Head Start program;
- Local social services provider;
- County jail; or
- State prison.

2. Qualified Witness Signature Requirements

According to the instructions for the new AOP, a qualified witness must verify the identity of the mother and/or father before signing the form by checking the mother's and/or father's identification. Examples of acceptable identification include a driver's license, passport, and state-issued identification.

⁶ MCL 722.1001–1013

⁷ 45 CFR 303.5(g)(4)

⁸ The age of majority in Michigan is 18. Ref: MCL 722.52(1).

⁹ A disinterested party, in this context, is a person unbiased by personal interest or advantage. In other words, the person is indifferent to the situation.

¹⁰ MCL 722.1003(2)

¹¹ In April 2015, the Michigan Department of Community Health and the Department of Human Services merged into the Michigan Department of Health and Human Services (MDHHS).

A single qualified witness may authenticate both the mother's and father's signatures by completing both qualified witness sections.

For the AOP to be considered valid, the qualified witness must:

- Sign and date the form; and
- Provide his/her printed name, address, and place of employment.¹²

3. Filing the *Affidavit of Parentage* (AOP)

If the AOP is completed at the hospital, hospital staff will file the AOP with the local registrar (county clerk). The local registrar will review the form to ensure that it is properly witnessed as explained above. If the AOP is properly completed, the local registrar will forward it to the Central Paternity Registry at the Division for Vital Records and Health Statistics (Vital Records).¹³

If the AOP is completed after leaving the hospital, the parents must include the AOP with an *Application to Add a Father on a Michigan Birth Record* (DCH-0848) and mail both forms to the Central Paternity Registry with the appropriate fees.

B. Changes to the *Affidavit of Parentage* (DCH-0682) and Related Materials

Vital Records staff revised the AOP form in February 2016. They subsequently released it to the public by sending it directly to hospitals and court clerks and by updating it on the MDHHS website. OCS is working with MiCSES project staff to update the MiCSES version of the AOP (template 6040) to reflect those revisions. IV-D workers will receive an email notification when this form is updated. The previous version of the AOP (template 6040) can still be generated in MiCSES on the DOGN screen.

Vital Records staff have indicated they will accept previous versions of the AOP from the IV-D program until further notice. If IV-D staff use the previous version of the AOP form, it must be notarized and completed as that form requires. If a qualified witness would like to be the verifying party, (s)he must use the new AOP form (Rev. 02/2016).

Changes to the AOP include, but are not limited to, the following:

1. Form (Page 1)

¹² MCL 722.1003(2)

¹³ The address for Vital Records is located in the instructions section of the AOP.

- a. In the header, "Department of Community Health" was changed to "Michigan Department of Health and Human Services";
- b. A line for the AOP Number was added;¹⁴ and
- c. A new section, "Qualified Witness Section," was added. It includes subsections for both the Father's Witness and the Mother's Witness. The heading indicates that the Qualified Witness Section is for facility use only.

2. Instructions (Page 2)

- a. In the section that discusses the importance of proper completion of the form (Paragraph 3), the instructions were changed to include who is a proper qualified witness.
- b. Paragraph 4 was added to the instructions to explain how a qualified witness or notary can serve as both the mother's and father's witness or notary. It also explains the requirements for verifying the identities of the father and mother before signing as a witness;
- c. The MDHHS non-discrimination statement was added to the bottom of the page.

In the near future, OCS will update all related in-hospital training materials to reflect changes to the AOP. OCS will also be updating the example of the AOP form in the booklet *What Every Parent Should Know About Establishing Paternity* (DHS-Pub 780) to reflect the recent changes.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice. The updated *Affidavit of Parentage* obsoletes the previous version of the form (Rev. 10/2013), which is attached to IV-D Memorandum 2014-028.

REVIEW PARTICIPANTS:

Establishment Work Improvement Team
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None

¹⁴ This number is assigned at the hospital and is used by Vital Records for data-tracking purposes.

SUPPORTING REFERENCES:

Federal

45 CFR 303.5(g)(1)

45 CFR 303.5(g)(4)

State

MCL 722.52(1)

MCL 722.1001–1013

ATTACHMENT:

DCH-0682: *Affidavit of Parentage*

EPF/AM